

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

4/19/2007 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 04-00363SOM

CASE NAME: USA vs. (02) Daniel Lynn Myers

ATTYS FOR PLA: Kenneth Sorenson
Joe Chang (DEA)

ATTYS FOR DEFT: 02 Cynthia Kagiwada

Roy Kawamoto (USPO)

JUDGE: Susan Oki Mollway

REPORTER: Debra Chun

DATE: 4/19/2007

TIME: 9:10 - 9:35

COURT ACTION: EP: Sentencing to Count 1 of the Superseding Indictment -

Defendant (04) Daniel Lynn Myers present and in custody.

Court adopts the PSR and the USPO's recommendation, and they are placed under seal.

Allocution by Defendant.

ADJUDGED:

Imprisonment: 336 Months.

Supervised Release: 5 Years.

Special Assessment: \$100.00.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Defendant advised of his right to appeal.

JUDICIAL RECOMMENDATIONS: 1) Atwater; 2) Herlong; 3) Medical Treatment; 4) Defendant not be transferred until after his medical procedure in May.

USPO to turn over defendant's medical records to counsel.

Defendant remanded to the custody of the USM.

Mittimus forthwith.

Submitted by: Toni Fujinaga, Courtroom Manager.